

Introduced by Senator Alquist

February 24, 2009

An act to amend Section ~~60119~~ 60422 of the Education Code, relating to electronic instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 247, as amended, Alquist. Electronic instructional materials.

~~Pursuant to existing law, the Pupil Textbook and Instructional Materials Incentive Program Act, county offices of education may be eligible to use specified funds, if it is determined that there are insufficient textbooks or instructional materials for pupils in each school in the district, to take any action to ensure that each pupil has sufficient textbooks or instructional materials, or both, within two months of the beginning of the school year in which the determination is made. For purposes of these provisions, existing law defines "sufficient textbooks or instructional materials" to mean that each pupil has a standards-aligned textbook or instructional materials, or both, to use in class and to take home.~~

Existing law, the Instructional Materials Funding Realignment Program, provides for funds to be apportioned to school districts based upon enrollment to ensure that each pupil is provided with a standards-aligned textbook or basic instructional materials, as adopted by the State Board of Education subsequent to the adoption of content standards, or as adopted by the local governing board, for grades 9 to 12, inclusive.

This bill would provide that a local governing board may use funding received pursuant to these provisions to purchase state-adopted

~~instructional materials may be provided to pupils in an electronic form if sufficient textbooks or instructional materials have been made available to each pupil, as required format if it provides each pupil with the state-adopted instructional materials in an electronic format to use in class and to take home, and if the materials are accessible in their entirety at all times.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60422 of the Education Code is amended
2 to read:

3 60422. (a) A local governing board shall use funding received
4 pursuant to this chapter to ensure that each pupil is provided with
5 a standards-aligned textbook or basic instructional materials, as
6 adopted by the State Board of Education subsequent to the adoption
7 of content standards pursuant to Section 60605 for kindergarten
8 and grades 1 to 8, inclusive, or as adopted by the local governing
9 board pursuant to Sections 60400 and 60411, for grades 9 to 12,
10 inclusive. Pupils shall be provided with standards-aligned textbooks
11 or basic instructional materials by the beginning of the first school
12 term that commences no later than 24 months after those materials
13 were adopted by the State Board of Education.

14 (b) *Notwithstanding any other provision of law, a local*
15 *governing board may use funding received pursuant to this chapter*
16 *to purchase state-adopted instructional materials in an electronic*
17 *format, if it provides each pupil with the state-adopted instructional*
18 *materials in an electronic format to use in class and at home, and*
19 *if the state-adopted instructional materials in an electronic format*
20 *are accessible in their entirety at all times.*

21 ~~(b)~~

22 (c) Once a governing board certifies compliance with
23 subdivision (a) with regard to standards-aligned instructional
24 materials in the core curriculum areas of reading/language arts,
25 mathematics, science, and history/social sciences, and if the
26 governing board of a school district has met the eligibility
27 requirements of Section 60119, the remaining funds may only be
28 used consistent with subdivision (a) of Section 60242 and pursuant
29 to Section 60242.5.

(e)

(d) The State Board of Education may grant the school district additional time to meet the purchasing requirements of subdivision (a) if the governing board of the school district demonstrates, to the satisfaction of the state board, that all of the following criteria apply to the district:

(1) The school district has implemented a well-designed, standards-aligned basic instructional materials program.

(2) The school district, at the time of its request for additional time pursuant to this subdivision, has sufficient textbooks or basic instructional materials for use by each pupil.

(3) The school district has adopted a plan for the purchase of standards-aligned instructional materials in accordance with subdivision (a) but that plan indicated an alternative date for compliance that is declared in the request for additional time.

(d)

(e) The funds provided for the purchase of instructional materials in Schedules 1 and 2 of Item 6110-189-0001 and paragraph 6 of Item 6110-485 of Section 2.00 of the Budget Act of 2002 shall be used for the purposes of, and allocated consistent with, this chapter.

~~SECTION 1. Section 60119 of the Education Code is amended to read:~~

~~60119. (a) In order to be eligible to receive funds available for the purposes of this article, the governing board of a school district shall take the following actions:~~

~~(1) (A) The governing board shall hold a public hearing or hearings at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted pursuant to Section 60605 in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the state board:~~

~~(i) Mathematics.~~

~~(ii) Science.~~

~~(iii) History-social science.~~

1 ~~(iv) English/language arts, including the English language~~
2 ~~development component of an adopted program.~~

3 ~~(B) The public hearing shall take place on or before the end of~~
4 ~~the eighth week from the first day pupils attend school for that~~
5 ~~year. A school district that operates schools on a multitrack,~~
6 ~~year-round calendar shall hold the hearing on or before the end of~~
7 ~~the eighth week from the first day pupils attend school for that~~
8 ~~year on any tracks that begin a school year in August or September.~~
9 ~~For purposes of the 2004–05 fiscal year only, the governing board~~
10 ~~of a school district shall make a diligent effort to hold a public~~
11 ~~hearing pursuant to this section on or before December 1, 2004.~~

12 ~~(C) As part of the hearing required pursuant to this section, the~~
13 ~~governing board shall also make a written determination as to~~
14 ~~whether each pupil enrolled in a foreign language or health course~~
15 ~~has sufficient textbooks or instructional materials that are consistent~~
16 ~~with the content and cycles of the curriculum frameworks adopted~~
17 ~~by the state board for those subjects. The governing board shall~~
18 ~~also determine the availability of laboratory science equipment as~~
19 ~~applicable to science laboratory courses offered in grades 9 to 12,~~
20 ~~inclusive. The provision of the textbooks, instructional materials,~~
21 ~~or science equipment specified in this subparagraph is not a~~
22 ~~condition of receipt of funds provided by this subdivision.~~

23 ~~(2) (A) If the governing board determines that there are~~
24 ~~insufficient textbooks or instructional materials, or both, the~~
25 ~~governing board shall provide information to classroom teachers~~
26 ~~and to the public setting forth, in the resolution, for each school~~
27 ~~in which an insufficiency exists, the percentage of pupils who lack~~
28 ~~sufficient standards-aligned textbooks or instructional materials~~
29 ~~in each subject area and the reasons that each pupil does not have~~
30 ~~sufficient textbooks or instructional materials, or both, and take~~
31 ~~any action, except an action that would require reimbursement by~~
32 ~~the Commission on State Mandates, to ensure that each pupil has~~
33 ~~sufficient textbooks or instructional materials, or both, within two~~
34 ~~months of the beginning of the school year in which the~~
35 ~~determination is made.~~

36 ~~(B) In carrying out subparagraph (A), the governing board may~~
37 ~~use money in any of the following funds:~~

38 ~~(i) Any funds available for textbooks or instructional materials,~~
39 ~~or both, from categorical programs, including any funds allocated~~

1 to school districts that have been appropriated in the annual Budget
2 Act.

3 (ii) ~~Any funds of the school district that are in excess of the~~
4 ~~amount available for each pupil during the prior fiscal year to~~
5 ~~purchase textbooks or instructional materials, or both.~~

6 (iii) ~~Any other funds available to the school district for textbooks~~
7 ~~or instructional materials, or both.~~

8 (b) ~~The governing board shall provide 10 days' notice of the~~
9 ~~public hearing or hearings set forth in subdivision (a). The notice~~
10 ~~shall contain the time, place, and purpose of the hearing and shall~~
11 ~~be posted in three public places in the school district. The hearing~~
12 ~~shall be held at a time that will encourage the attendance of teachers~~
13 ~~and parents and guardians of pupils who attend the schools in the~~
14 ~~district and shall not take place during or immediately following~~
15 ~~school hours.~~

16 (e) (1) ~~For purposes of this section, "sufficient textbooks or~~
17 ~~instructional materials" means that each pupil, including English~~
18 ~~learners, has a standards-aligned textbook or instructional materials,~~
19 ~~or both, to use in class and to take home. This paragraph does not~~
20 ~~require two sets of textbooks or instructional materials for each~~
21 ~~pupil.~~

22 (2) ~~Sufficient textbooks or instructional materials as defined in~~
23 ~~paragraph (1), does not include photocopied sheets from only a~~
24 ~~portion of a textbook or instructional materials copied to address~~
25 ~~a shortage.~~

26 (3) ~~Instructional materials may be provided to pupils in~~
27 ~~electronic form, including, but not limited to, compact disks, if~~
28 ~~sufficient textbooks or instructional materials, as defined in~~
29 ~~paragraph (1), have been made available to each pupil, as required.~~

30 (d) ~~Except for purposes of Section 60252, governing boards of~~
31 ~~school districts that receive funds for instructional materials from~~
32 ~~any state source, are subject to the requirements of this section~~
33 ~~only in a fiscal year in which the Superintendent determines that~~
34 ~~the base revenue limit for each school district will increase by at~~
35 ~~least 1 percent per unit of average daily attendance from the prior~~
36 ~~fiscal year.~~